

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

SEPTEMBER 3, 2013

Be it remembered that the regular meeting of the Tupelo City Council was held in the Council Chambers at the City Hall Building on Tuesday, September 3, 2013, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, Lynn Bryan, Jim Newell, Nettie Davis, Buddy Palmer, and Mike Bryan; City Attorney John S. Hill; and Glenda Muse, Clerk of the Council. Councilman Willie Jennings was absent.

The invocation was led by Rev. Charles Pinson, Pastor of Mt. Comfort CME Church, followed by the Pledge of Allegiance led by Councilman Jim Newell.

IN THE MATTER OF CALLING THE MEETING TO ORDER

President Davis called the regular City Council meeting to order at 6:00 p.m.

IN THE MATTER OF CONFIRMATION OR
AMENDMENT OF AGENDA AND AGENDA ORDER

Upon a motion by Councilman M. Bryan, seconded by Councilman Whittington, the council voted unanimously of those present to confirm the agenda and agenda order, amended as follows:

ADD: #4.3.A Proclamation for Gold and Blue Fridays
ADD: #5.1.A Citizen's Hearing – Ms. Jackie Newell,
 Regarding door-to-door solicitations
ADD: 7.14 Donation of sick leave to injured Water & Light
 Department employee
ADD: Executive Session
DELETE: #7.11 Review/Accept FAA Grant Offer

4. PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA

IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS

No scouts were present for recognition.

IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

Mayor Shelton presented a Certificate of Appreciation to Otis N. Wilson for his fifteen years of service to the city as a member of the Tupelo Fire Department.

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

SEPTEMBER 3, 2013

IN THE MATTER OF PUBLIC RECOGNITIONS

No public recognitions were made.

IN THE MATTER OF PROCLAMATION FOR GOLD & BLUE FRIDAYS

Mayor Shelton read a proclamation and presented the same to a group of Tupelo School District representatives, including Dr. Gearl Loden, Tupelo School District Superintendent, and Jason Harris, Principal of Tupelo High School. The proclamation officially proclaims every Friday during the 2013 Tupelo High School football season as “Gold & Blue Fridays” to be celebrated throughout the City by all citizens by wearing these colors in honor and encouragement to the football team.

IN THE MATTER OF MAYOR’S REPORT

The Mayor’s report tonight concerned only item, that being the preparation of the City of Tupelo FY 2013-14 budget. He stated he was proud that he, his staff and the financial team have presented a balanced, conservative budget to the City Council and that he was asking that this be voted on in the next week or so. He stated he was proud to present a sound budget and one that protects the City of Tupelo. He said he was pleased that it is a balanced budget, that has no new taxes, no new debt, and does not dip into the city’s surplus funds. Mayor Shelton stated he was advocating the passage of this budget.

(President Davis then closed the regular meeting and opened the Public Agenda.)

5. PUBLIC AGENDA

5.1 PUBLIC HEARINGS

5.1.A LISTING OF LOT MOWING OF PROPERTIES

No one appeared to address any of these properties.

5.2 CITIZEN’S HEARING

5.2.A Mrs. Jackie Newell, Pecan Grove Drive, Tupelo, appeared to address the City Council concerning problems they were having in their neighborhood regarding late-night solicitations from some foreign students who were selling books, etc. She said it was very disturbing since they are coming to the door at about 9:00 or 10:00 p.m. She encouraged the Mayor and City Council to review the ordinance regarding such activities and try to rectify such

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

SEPTEMBER 3, 2013

situations in the future. She stated they had a valid permit from the City of Tupelo to go door-to-door and the police did not seem to have any authority if they had paid for such a permit to sell.

(At this time, President Davis closed the Public Agenda and the council returned to regular session.

6. ACTION AGENDA

IN THE MATTER OF REVIEW/APPROVE FINAL RESOLUTION GRANTING AD VALOREM TAX EXEMPTION TO GENLYTE THOMAS GROUP, LLC D/B/A DAY-BRITE/CAPRI-OMEGA

Upon a motion by Councilman Newell, seconded by Councilman M. Bryan, the council voted unanimously of those present to approve a Final Resolution Granting Exemption from Ad Valorem Taxes to Genlyte Thomas Group, LLC d/b/a Day-Brite/Capri-Omega, except State and School District ad valorem taxes, for a period of ten (10) years beginning on the 1st day of January 2013, and ending on the 31st day of December, 2022, with a total true value of \$1,987,606.59 The City Council had originally approved a resolution granting this exemption, and the Department of Revenue, Office of Property Tax, Exemptions & Public Utilities Bureau, State of Mississippi, has reviewed the same and certifies by letter dated August 27, 2013, that this company is eligible for this ad valorem tax exemption. An executed copy of this Final Resolution is attached to these minutes and incorporated herein as **APPENDIX A.**

IN THE MATTER OF REVIEW/APPROVE FINAL RESOLUTION GRANTING AD VALOREM TAX EXEMPTION TO COOPER TIRE & RUBBER COMPANY

Upon a motion by Councilman M. Bryan, seconded by Councilman L. Bryan, the council voted unanimously of those present to approve a Final Resolution Granting Exemption from Ad Valorem Taxes to Cooper Tire & Rubber Company, except State and School District ad valorem taxes, for a period of ten (10) years beginning on the 1st day of January, 2013, and ending on the 31st day of December, 2022, with a total true value of \$22,666,320.96. The City Council had originally approved a resolution granting this exemption, and the Department of Revenue, Office of Property Tax, Exemptions & Public Utilities Bureau, State of Mississippi, has reviewed the same and certifies by letter dated August 9, 2013, that this company is eligible for this ad valorem tax exemption. An executed copy of this Final Resolution is attached to these minutes and incorporated herein as **APPENDIX B.**

SEPTEMBER 3, 2013

IN THE MATTER OF REVIEW/APPROVE FINAL RESOLUTION GRANTING AD VALOREM TAX EXEMPTION TO HYPERION TECHNOLOGY GROUP, INC.

Upon a motion by Councilman Whittington, seconded by Councilman Palmer, the council voted unanimously of those present to approve a Final Resolution Granting Exemption from Ad Valorem Taxes to Hyperion Technology Group, Inc., except State and School District ad valorem taxes for a period of ten (10) years beginning on the 1st day of January, 2013, and ending on the 31st day of December, 2022, with a total true value of \$834,040.17. The City Council had originally approved a resolution granting this exemption, and the Department of Revenue, Office of Property Tax, Exemptions & Public Utilities Bureau, State of Mississippi, has reviewed the same and certifies by letter dated August 9, 2013, that this company is eligible for this ad valorem tax exemption. An executed copy of this Final Resolution is attached to these minutes and incorporated herein as **APPENDIX C.**

IN THE MATTER OF REVIEW/APPROVE FINAL RESOLUTION GRANTING AD VALOREM TAX EXEMPTION TO LEGGETT & PLATT COMPONENTS COMPANY, INC.

Upon a motion by Councilman M. Bryan, seconded by Councilman Whittington, the council voted unanimously of those present to approve a Final Resolution Granting Exemption from Ad Valorem Taxes to Leggett & Platt Components Company, Inc., except State and School District ad valorem taxes, for a period of ten (10) years beginning on the 1st day of January, 2013, and ending on the 31st day of December, 2022, with a total true value of \$942,872.70. The City Council had originally approved a resolution granting this exemption, and the Department of Revenue, Office of Property Tax, Exemptions & Public Utilities Bureau, State of Mississippi, has reviewed the same and certifies by letter dated August 9, 2013, that this company is eligible for this ad valorem tax exemption. An executed copy of this Final Resolution is attached to these minutes and incorporated herein as **APPENDIX D.**

IN THE MATTER OF REVIEW/ADOPT ORDINANCE AMENDING SECTION 11-9 OF THE CODE OF ORDINANCES ON FLOOD DAMAGE PREVENTION AND CONTROL

Upon a motion by Councilman Whittington, seconded by Councilman L. Bryan, the council voted unanimously of those present to adopt an Ordinance Amending Section 11-9 of the Code of Ordinances on Flood Damage Prevention and Control. The Federal Emergency Management Agency (FEMA) has revised the Flood Insurance Study for Lee County, Mississippi, with revisions taking effect on October 16, 2013,

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

SEPTEMBER 3, 2013

pursuant to a revised Flood Insurance Study (FIS) for Lee County, Mississippi, which will supercede the previous FIS for Lee County dated February 3, 2010.

Upon adoption of this amended Ordinance, Section 11-9 of the current ordinance will remain in effect until October 15, 2013. Effective from and after October 16, 2013, Section 11-9 of the City of Tupelo Flood Damage Prevention and Control Ordinance 19-4(b) of the Code of Ordinances of the City of Tupelo will be deleted and replaced with wording as set out in the amended Ordinance being considered.

An executed copy of this amended Ordinance is attached hereto and incorporated into these minutes as **APPENDIX E.**

**IN THE MATTER OF REVIEW/APPROVE WARRANTY DEED CONVEYING
PROPERTY TO MISSISSIPPI TRANSPORTATION COMMISSION TO OBTAIN
FEDERAL FUNDING FOR CONSTRUCTION OF BRIDGE OVER HIGHWAY 78**

Upon a motion by Councilman L. Bryan, seconded by Councilman Whittington, the council voted unanimously of those present to approve a warranty deed conveying property from the City of Tupelo, Mississippi, to Mississippi Transportation Commission in order to obtain federal funding for construction of the bridge over Highway 78. Copy of said Warranty Deed is attached to these minutes and incorporated herein as

APPENDIX F.

**IN THE MATTER OF REVIEW/ADOPT LEE COUNTY TAX ASSESSMENT ROLL
AND SPECIAL ASSESSMENT ROLL OF THE CITY OF TUPELO**

Upon a motion by Councilman Newell, seconded by Councilman Whittington, the council voted unanimously of those present to adopt the part of the Lee County Assessment Roll containing property located within the municipality as provided in Miss. Code Section 21-33-0, including the Land Roll Assessment, Personal Roll Assessment and Special Assessment Roll.

**IN THE MATTER OF REVIEW/ADOPT RESOLUTION FOR THE LEVYING OF THE
AD VALOREM TAXES FOR THE CITY OF TUPELO AND THE TUPELO
MUNICIPAL SEPARATE SCHOOL DISTRICT FOR THE TAX YEAR 2013 AND THE
CURRENT FY 2013-2014**

Upon a motion by Councilman M. Bryan, seconded by Councilman Palmer, the council voted unanimously of those present to adopt a Resolution for the Levying of the Ad valorem Taxes for the City of Tupelo and the Tupelo Municipal Separate School

**MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI**

SEPTEMBER 3, 2013

District for the Tax Year 2012 and the Current FY 2012-2013. A copy of this Resolution is attached to these minutes and incorporated herein as **APPENDIX G.**

IN THE MATTER OF REVIEW/APPROVE CITY OF TUPELO DEVELOPMENT CODE

Upon a motion by Councilman M. Bryan, seconded by Councilman Newell, the council voted unanimously of those present to table this matter.

IN THE MATTER OF REVIEW/APPROVE NEW CITY OF TUPELO ZONING MAP

This item had previously been tabled at the August 20, 2013, meeting and will remain on the table.

7. ROUTINE AGENDA

IN THE MATTER OF REVIEW/APPROVE MINUTES OF REGULAR COUNCIL MEETING OF TUESDAY, AUGUST 20, 2013, AND MINUTES OF SPECIAL CALL MEETING OF TUESDAY, AUGUST 13, 2013

Upon a motion by Councilman Palmer, seconded by Councilman Whittington, the council voted unanimously of those present to approve the minutes of the regular City Council meeting of Tuesday, August 20, 2013, and the minutes of a Special Call meeting of Tuesday, August 13, 2013.

IN THE MATTER OF REVIEW/PAY BILLS

Upon a motion by Councilman L. Bryan, seconded by Councilman Whittington, the council voted unanimously of those present to approve payment of the following checks, bills having been reviewed at 4:30 p.m. by Council Members Whittington, L. Bryan, Davis, and Palmer:

Check Nos. 113730 through 114131 (Pool Cash Fund)
Electronic transfers as shown on the face of the docket.
Invoices as shown on the face of the docket.
Requests made by AFLAC to reimburse employees under Flex-One Plan
as shown on the face of the docket.

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

SEPTEMBER 3, 2013

IN THE MATTER OF REVIEW/APPROVE APPOINTMENT TO QUALITY OF LIFE COMMITTEE

Mayor Shelton had recommended Mr. Paul Gammons to serve on the Quality of Life Committee. Mr. Gammons will serve as the replacement for Mayor Shelton who previously served on the Committee as representative of Ward 5.

Upon a motion by Councilman Newell, seconded by Councilman M. Bryan, the council voted unanimously of those present to approve the appointment of Mr. Gammons to serve on this Committee.

**IN THE MATTER OF REVIEW/APPROVE REQUEST FROM HAVEN ACRES
NEIGHBORHOOD ASSOCIATION FOR GRANT FUNDS**

Upon a motion by Councilman Whittington, seconded by Councilman Newell, the council voted unanimously of those present to table this item.

**IN THE MATTER OF REVIEW/ACCEPT MINUTES OF NEIGHBORHOOD
DEVELOPMENT CORPORATION MEETINGS**

Upon a motion by Councilman M. Bryan, seconded by Councilman Whittington, the council voted unanimously of those present to accept the minutes of the Neighborhood Development Corporation meetings of June 19, 2013 and July 10, 2013. Copies of minutes of both meetings are attached hereto as **APPENDIX H.**

**IN THE MATTER OF REVIEW/APPROVE LISTING OF LOT MOWINGS OF
PROPERTIES**

Councilman L. Bryan moved to approve a listing of lot mowings submitted by the Department of Development Services as being in such a state of uncleanness as to be a menace to public health, safety and welfare of the community, thereby authorizing the department to proceed with mowing of these properties. The motion was seconded by Councilman Palmer and unanimously passed by a vote of those present. A public hearing had been conducted earlier in the meeting with no one appearing to address any of the properties. A copy of the listing is attached hereto and incorporated into these minutes as **APPENDIX I.**

**IN THE MATTER OF REVIEW/APPROVE RESOLUTIONS OF ASSESSMENT LIENS
FOR LOT MOWING CASES**

Upon a motion by Councilman Newell, seconded by Councilman Whittington, the
MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

SEPTEMBER 3, 2013

council voted unanimously of those present to approve a Resolution of Assessment Liens against the following listed properties. Hearings had been held previously before the City Council in which the properties were adjudicated to be a menace to public health and safety. The City of

Tupelo has cleaned and mowed the properties and adjudicated costs and penalties according to law.

Properties against which these Resolutions of Assessment Liens are enrolled include: Fred D. and Annie L. Morris; Frank Meadows, Jr.; Price Management, LLC; Rebecca J. Story; Jo Ann Clark; Luther T. Brantley, III; William Spencer Estate; Darla Schmidt; Clifton C. Morrow; Barry & Lynn Gray; Wells Fargo.

IN THE MATTER OF REVIEW/APPROVE WATER & LIGHT COLLECTIONS TRANSFERS TO BAD DEBT FILE

Upon a motion by Councilman Palmer, seconded by Councilman Whittington, the council voted unanimously of those present to approve the write-off of a listing of Tupelo Water & Light Collections accounts to the bad debt file. The total amount of the bad debt is \$55,248.72, representing a percentage of loss of .00164% for the period of January 2012 through June 2012. Efforts will continue to be made to collect these accounts even though they have been transferred.

IN THE MATTER OF REVIEW/ACCEPT MINUTES OF TRAFFIC COMMITTEE MEETING

Upon a motion by Councilman Whittington, seconded by Councilman Palmer, the council voted unanimously of those present to accept the minutes of the Traffic Committee meeting of August 20, 2013. A copy of these minutes is attached to these minutes and made a part hereof as **APPENDIX J.**

IN THE MATTER OF REVIEW/ACCEPT MINUTES OF PARKS ADVISORY BOARD AND SPORTS COUNCIL MEETING

Upon a motion by Councilman Newell and a second by Councilman Whittington, the council voted unanimously of those present to accept the minutes of the Parks Advisory Board and Sports Council meeting of June 11, 2013. A copy of these minutes is attached to these minutes and made a part hereof as **APPENDIX K.**

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

SEPTEMBER 3, 2013

IN THE MATTER OF REVIEW/APPROVE ESTIMATE/FEE PROPOSAL FOR ENGINEERING SERVICES RELATED TO DEVELOPMENT OF DOWNTOWN QUIET ZONES ALONG RAILROADS

This item was tabled at the May 21, 2013, council meeting and will remain on the table at this time.

IN THE MATTER OF REVIEW/APPROVE REQUEST FROM THOMAS STREET NEIGHBORHOOD ASSOCIATION FOR GRANT FUNDS

Upon a motion by Councilman M. Bryan, seconded by Councilman Whittington, the council voted unanimously of those present to approve a request for grant funds in the amount of \$3,000.00 for the Thomas Street Neighborhood Association.

IN THE MATTER OF REVIEW/APPROVE REQUEST FOR DONATION OF SICK LEAVE FOR INJURED EMPLOYEE

Johnny Timmons, Director of the Tupelo Water and Light Department, had submitted a request for the City Council to approve donation of sick leave to Michael Green, an employee of that department, who was seriously burned in an on-the-job accident recently. Mr. Green has exhausted his sick leave and is not expected to be back on the job any time soon. Upon a motion by Councilman Whittington, seconded by Councilman Newell, the council voted unanimously of those present to approve this request to donate sick leave to this employee.

8. STUDY AGENDA

IN THE MATTER OF REVIEW/DISCUSS NEW FEES FOR AQUATIC CENTER

This item will remain on the Study Agenda at this time.

9. EXECUTIVE SESSION

IN THE MATTER OF EXECUTIVE SESSION

Councilman Newell moved to close the regular meeting to determine the need for an executive session. Councilman M. Bryan seconded the motion which passed by a unanimous vote of those present.

Councilman M. Bryan moved to go into executive session to discuss the matter of possible purchase of real estate. The motion was seconded by Councilman Whittington

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

SEPTEMBER 3, 2013

and unanimously approved by a vote of those present.

Councilman Whittington moved to come out of executive session and return to the regular meeting. The motion was seconded by Councilman M. Bryan and unanimously

approved by a vote of those present. No action was taken in the regular meeting as a result of the executive session.

IN THE MATTER OF ADJOURNMENT

There being no further business to come before the City Council, upon a motion by Councilman Palmer, seconded by Councilman L. Bryan, the council voted unanimously of those present to adjourn the regular meeting at 6:45 p.m.

ATTEST:

CLERK OF THE COUNCIL

PRESIDENT

APPROVED:

MAYOR